

BEFORE THE
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation against:)

RAAFAT LOTFI SHEHATA)

7868 North Maple Avenue)

Clovis, CA 93611)

Civil Engineer License No. C 47842,)

Respondent.)

Case No. 847-A

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board for Professional Engineers, Land Surveyors, and Geologists as its Decision in the above-entitled matter.

This Decision shall become effective on March 4, 2011.

IT IS SO ORDERED January 28, 2011.

Original Signed

BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND GEOLOGISTS
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN
Deputy Attorney General
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Attorneys for Complainant

8
9 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 **RAAFAT LOTFI SHEHATA**

13 Respondent.

Case No. 847-A

OAH No. 2010060372

14 **STIPULATED SETTLEMENT AND**
15 **DISCIPLINARY ORDER**

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. David E. Brown (Complainant) is the Executive Officer of the Board for Professional
21 Engineers and Land Surveyors. He brought this action solely in his official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Geoffrey S. Allen, Deputy Attorney General.

24 2. Respondent Raafat Lotfi Shehata (Respondent) is represented in this proceeding by
25 attorney G. Noel Kidd, whose address is: Kidd-Carr LLP, 469 Ninth Street, Suite 200,
26 Oakland, CA 94607.

27 ///

1 3. On or about August 2, 1991, the Board for Professional Engineers and Land
2 Surveyors issued Civil Engineer License No. C 47842 (License) to Raafat Lofti Shehata
3 (Respondent). The License was in full force and effect at all times relevant to the charges
4 brought in Accusation No. 847-A and will expire on December 31, 2011, unless renewed.

5 JURISDICTION

6 4. Accusation No. 847-A (Accusation) was filed before the Board for Professional
7 Engineers and Land Surveyors (Board), Department of Consumer Affairs, and is currently
8 pending against Respondent. The Accusation and all other statutorily required documents were
9 properly served on Respondent on March 25, 2010. Respondent timely filed his Notice of
10 Defense contesting the Accusation. A copy of the Accusation is attached as exhibit A and
11 incorporated herein by reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in the Accusation. Respondent has also carefully read, fully discussed
15 with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

16 6. Respondent is fully aware of his legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
18 his own expense; the right to confront and cross-examine the witnesses against him; the right to
19 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
20 the attendance of witnesses and the production of documents; the right to reconsideration and
21 court review of an adverse decision; and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CONTINGENCY

26 8. This stipulation shall be subject to approval by the Board. Respondent understands
27 and agrees that counsel for Complainant and the staff of the Board may communicate directly
28 with the Board regarding this stipulation and settlement, without notice to or participation by

Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

9. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

10. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

11. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

12. Respondent denies the charges and allegations in the Accusation. Respondent understands and agrees that the charges and allegations in the Accusation, if proven at a hearing, constitute cause for imposing discipline upon his License. Respondent agrees that his License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth below.

IT IS HEREBY ORDERED that the License issued to Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation for two (2) years on the following terms and conditions:

///

- 1 1. **Obey All Laws.** The Respondent shall obey all federal, state, and local laws and
2 regulations related to the practices of professional engineering and professional land surveying.
- 3 2. **Submit Reports.** The Respondent shall submit such special reports as the Board may
4 require. The Respondent shall have a reasonable time to submit such reports.
- 5 3. **Tolling of Probation.** The period of probation shall be tolled during the time the
6 Respondent is practicing exclusively outside the state of California. If, during the period of
7 probation, the Respondent practices exclusively outside the state of California, the Respondent
8 shall immediately notify the Board in writing.
- 9 4. **Violation of Probation.** If the Respondent violates the probationary conditions in
10 any respect, the Board, after giving the Respondent notice and the opportunity to be heard, may
11 vacate the stay and reinstate the disciplinary order which was stayed. If during the period of
12 probation, an accusation or petition to vacate stay is filed against the Respondent, or if the matter
13 has been submitted to the Office of the Attorney General for the filing of such, the Board shall
14 have continuing jurisdiction until all matters are final, and the period of probation shall be
15 extended until all matters are final.
- 16 5. **Completion of Probation.** Upon successful completion of all of the probationary
17 conditions and the expiration of the period of probation, or upon a successful petition for
18 termination of probation pursuant to Business and Professions Code section 6780, the
19 Respondent's License shall be unconditionally restored.
- 20 6. **Cost Recovery.** Within one and one-half (1 ½) years of the effective date of the
21 decision, the Respondent shall reimburse the Board for its investigative and enforcement costs in
22 this matter in the amount of five thousand dollars (\$5,000.00). Said reimbursement may be paid
23 in an installment plan as approved by the Board or its designee.
- 24 7. **Examination.** Within sixty (60) days of the effective date of the decision, the
25 Respondent shall successfully complete and pass the California Laws and Board Rules
26 examination, as administered by the Board.
- 27 8. **Ethics Course.** Within one and one-half (1 ½) years of the effective date of the
28 decision, the Respondent shall successfully complete and pass a course in professionalism and

1 ethics for engineers, approved in advance by the Board or its designee. Respondent shall provide
2 the Board with official proof of completion of the requisite course.

3 9. **Notification.** Within thirty (30) days of the effective date of the decision, the
4 Respondent shall provide the Board with evidence that he has provided all persons or entities with
5 whom he has a current client contractual relationship relating to professional structural
6 engineering services with a copy of the decision and order of the Board and shall provide the
7 Board with the name and business address of each person or entity required to be so notified.

8 10. **Take And Pass Examinations.** Within one and one-half (1 1/2) years of the effective
9 date of the decision, the Respondent shall successfully complete and pass one (1) college-level
10 course, related to the areas of alleged violation. Said courses shall be approved in advance by the
11 Board or its designee. The Board or its designee shall approve or reject any course proposed by
12 Respondent to satisfy this condition within thirty (30) days. Respondent shall provide the Board
13 with official proof of completion of the requisite courses. For purposes of this condition,
14 "college-level course" means a course offered by a community college or a four-year university
15 of three semester units or the equivalent; it does not include seminars.

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, G. Noel Kidd . I understand the stipulation and the effect it will
4 have on my License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,
5 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board for
6 Professional Engineers and Land Surveyors.

7
8 DATED: 12/6/2010 Original Signed
9 RAAFAT LOTFI SHEHATA
Respondent

10 I have read and fully discussed with Respondent Raafat Lotfi Shehata the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13 DATED: 12/6/2010 Original Signed
14 G. NOEL KIDD
Attorney for Respondent

15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for consideration by the Board for Professional Engineers and Land Surveyors of the
18 Department of Consumer Affairs.

19 Dated: 12/6/10

20 Respectfully Submitted,

21 EDMUND G. BROWN JR.
22 Attorney General of California
23 ARTHUR D. TAGGART
24 Supervising Deputy Attorney General

25 Original Signed

26 GEOFFREY S. ALLEN
27 Deputy Attorney General
28 Attorneys for Complainant

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Exhibit A

Accusation No. 847-A

COPY

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN
Deputy Attorney General
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Attorneys for Complainant

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9 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 847-A

12 **RAAFAT LOFTI SHEHATA**
13 7868 North Maple Avenue
Clovis, California 93611

A C C U S A T I O N

14 Civil Engineer License No. C 47842

15 Respondent.
16

17 Complainant alleges:

18 **PARTIES**

19 1. David Brown (hereinafter "Complainant") brings this Accusation solely in his official
20 capacity as the Executive Officer of the Board for Professional Engineers and Land Surveyors,
21 Department of Consumer Affairs.

22 2. On or about August 2, 1991, the Board for Professional Engineers and Land
23 Surveyors issued Civil Engineer License Number C 47842 to Raafat Lofti Shehata (hereinafter
24 "Respondent"). The Civil Engineer License was in full force and effect at all times relevant to
25 the charges brought herein and will expire on December 31, 2011, unless renewed.

26 ///

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board for Professional Engineers and Land Surveyors (hereinafter "Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Code section 6775 states, in pertinent part, that:

[T]he board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:

(a) Who has been convicted of a crime substantially related to the qualifications, functions and duties of a registered professional engineer, in which case the certified record of conviction shall be conclusive evidence thereof.

(b) Who has been found guilty by the board of any deceit, misrepresentation, or fraud in his or her practice.

(c) Who has been found guilty by the board of negligence or incompetence in his or her practice.

(d) Who has been found guilty by the board of any breach or violation of a contract to provide professional engineering services.

(e) Who has been found guilty of any fraud or deceit in obtaining his or her certificate.

(f) Who aids or abets any person in the violation of any provision of this chapter.

(g) Who in the course of the practice of professional engineering has been found guilty by the board of having violated a rule or regulation of unprofessional conduct adopted by the board.

(h) Who violates any provision of this chapter.

5. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

HAMPTON INN AND SUITES PROJECT

6. On or about March 19, 2003, plan and structural calculations (hereinafter "Plans") of a four story building were submitted for review and approval for the purpose of obtaining building permits from the City of Fresno, California (hereinafter "City"). The proposed building was to be utilized as a hotel in the City, specifically a Hampton Inn and Suites (hereinafter "Hotel"). The Plans were prepared by Respondent. The Plans were found by the City to contain

1 numerous errors and omissions and did not meet the minimum requirements of the 1997 Uniform
2 Building Code, the current code in effect at the time. The Plans were submitted three times
3 before appropriate revisions and corrections were accomplished. Subsequently a building permit
4 was issued by the City based upon the revised and corrected Plans (hereinafter "Revised Plans").

5 FIRST CAUSE FOR DISCIPLINE

6 (Negligence)

7 7. Respondent is subject to disciplinary action under Code section 6775, subd. (c) in that
8 Respondent incorrectly increased the allowable soil bearing values for miscellaneous footings in
9 the Revised Plans. In several instances in the Revised Plans, Respondent increased the basic
10 allowable bearing stress value to above 3000 pounds per square foot (hereinafter "psf") even
11 though the geotechnical report specifically limited the basic value to 3000 psf and did not allow
12 for any increase above 3000 psf. Respondent was negligent when he increased the values above
13 the values indicated in the geotechnical report without a written allowance to do so by the
14 geotechnical engineer who prepared that report.

15 SECOND CAUSE FOR DISCIPLINE

16 (Incompetence)

17 8. Respondent is also subject to disciplinary action under Code section 6775, subd. (c)
18 in that Respondent incorrectly determined the required footing sizes for miscellaneous footings in
19 the Revised Plans. Respondent used the wrong equation in determining several footings.
20 Respondent failed to use a special design equation when the resultant of load is outside the
21 middle third of the footing. Respondent failed to use the special design equation in the instances
22 in which it should have been used. Respondent was incompetent in his use of the wrong equation
23 to determine several of the footing sizes to be used in the Revised Plans.

24 9. Respondent is also subject to disciplinary action under Code section 6775, subd. (c)
25 in that Respondent incorrectly used the wrong coefficient of R in the Revised Plans. Respondent
26 used an R value of 5.5, when a value of 4.5 should have been used. A value of 4.5 should have
27 been used because the Hotel was to be a four story building. When directed to the correct R value
28 for the shear walls, Respondent reviewed and corrected the R value to the correct R value for his

1 calculations for the shear walls, but not anywhere else. Respondent should have used the correct
2 R value in his calculations for the entire lateral force resisting system, including chords, drag
3 struts, hold-down forces, horizontal diaphragms and other associated connections, not only the
4 shear walls. Respondent was incompetent in his use of the wrong coefficient of R in the Revised
5 Plans.

6 PRAYER

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a
9 decision:

10 1. Revoking or suspending Civil Engineer License Number C 47842, issued to Raafat
11 Lofti Shehata.

12 2. Ordering Raafat Lofti Shehata to pay the Board for Professional Engineers and Land
13 Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to
14 Business and Professions Code section 125.3;

15 3. Taking such other and further action as deemed necessary and proper.
16

17 DATED: 3/17/10

Original Signed

18 DAVID BROWN
19 Executive Officer
20 Board for Professional Engineers and Land Surveyors
21 Department of Consumer Affairs
22 State of California
23 Complainant

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